

DETAILED ACTION
Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

1. Group I: claims 1-28, 55, 57-60, 63, and 73-75, drawn to a bispecific molecule and drawn to a compound.
2. Group II: claims 29-36, 37-54, and 77, drawn to a method of producing a population of bispecific molecules.
3. Group III: claim 56, drawn to a kit.
4. Group IV: claim 61, drawn to a method treating a disorder in a mammal.
5. Group V: claim 62, drawn to method of producing a population of bispecific molecules.
6. Group VI: claim 64, drawn to a population of bispecific molecules.
7. Group VII: claims 65-71, drawn to a bispecific molecule.
8. Group VIII: claim 72, drawn to a method of treating a disorder in a mammal.
9. Group IX: claim 76, drawn to an antibody.

The inventions listed as Groups I-IX do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

1. The technical feature of Group I is a bispecific molecule comprising: (a) a first recognition binding moiety that binds a C3b-like receptor; and (b) one or more second recognition binding moieties that binds a molecule; said molecule being other than a C3b-like receptor; wherein said first recognition binding moiety is cross-linked via a poly-(ethylene) glycol (PEG) linker to the second recognition binding moieties. The technical feature of Group 1 is anticipated by Himawan J. WO/2002/046208. Himawan

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J. teach a bispecific molecule comprising: (a) a first recognition binding moiety that binds a C3b-like receptor; and (b) one or more second recognition binding moieties that binds a molecule; said molecule being other than a C3b-like receptor; wherein said first recognition binding moiety is cross-linked via a poly-(ethylene) glycol (PEG) linker to the second recognition binding moieties (see title, abstract, claims, figures, peg-linker (page 7, paragraph 2), definitions pages 13-22, page 50. paragraph 5.5).

2. Group II is the first method of use of the technical feature in Group I, a bispecific molecule comprising: (a) a first recognition binding moiety that binds a C3b-like receptor; and (b) one or more second recognition binding moieties that binds a molecule; said molecule being other than a C3b-like receptor; wherein said first recognition binding moiety is cross-linked via a poly-(ethylene) glycol (PEG) linker to the second recognition binding moieties.

3. The technical feature of Group III is a kit, the second technical feature.

4. Group IV is the second method of use of the technical feature in Group I, a bispecific molecule comprising: (a) a first recognition binding moiety that binds a C3b-like receptor; and (b) one or more second recognition binding moieties that binds a molecule; said molecule being other than a C3b-like receptor; wherein said first recognition binding moiety is cross-linked via a poly-(ethylene) glycol (PEG) linker to the second recognition binding moieties.

5. Group V is the third method of use of the technical feature in Group VI, a population of bispecific molecules.

6. The technical feature of Group VI is a population of bispecific molecules, the third technical feature.

7. The technical feature of Group VII is a bispecific molecule comprising: (a) a first recognition binding moiety that binds a C3b-like receptor; and (b) one or more second recognition binding moieties that binds a molecule; said molecule being other than a C3b-like receptor; wherein said first recognition binding moiety is cross-linked via an NHS-poly-(ethylene) glycol (PEG)-benzaldehyde linker to the second recognition binding moieties, the fourth technical feature.

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8. Group VIII is the fourth method of use of the technical feature in Group VII, a bispecific molecule comprising: (a) a first recognition binding moiety that binds a C3b-like receptor; and (b) one or more second recognition binding moieties that binds a molecule; said molecule being other than a C3b-like receptor; wherein said first recognition binding moiety is cross-linked via an NHS-poly-(ethylene) glycol (PEG)-benzaldehyde linker to the second recognition binding moieties.

9. The technical feature of Group IX is an antibody, the fifth technical feature.

Group I lacks unity with Groups II-IX, because the technical feature of Group I is anticipated by the art and therefore not "special" within the meaning of PCT Rule 13.2 because it does not provide for a contribution that the claimed invention makes over the art.

Election of Species

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

If the Applicant elects Group II or Group IX, the Applicant is required to elect a single individual species of Species A listed below.

Species A-R group;

1) Phenyl;

2) Naphthyl;

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nina Archie whose telephone number is 571-272-9938. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Shanon Foley can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nina A Archie/

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